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GUN
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FLAT COUNTRY REPORT

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MEDICARE
PRESCRIPTION
DRUG
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CAMPAIGN
FINANCE
REFORM

THE GOP 106TH "UN-CONGRESS"
A REMARKABLE LACK OF ACCOMPLISHMENTS

THE GOP 106TH “UN-CONGRESS”:

A Remarkable Lack of Accomplishments

“The Un-Congress continues neither to work nor to adjourn. For two years, it has mainly pretended to deal with issues that it has systematically avoided.”

Washington Post editorial, 10/23/00

“The 106th Congress, with little to show for its two years of existence, has all but vanished from public discourse. ... On almost every matter of importance – gun control, patients’ bill of rights, energy deregulation, Social Security – Congress has done little or nothing.”

New York Times editorial, 11/1/00

“The 106th Congress [is] one of the least productive in decades. ‘The word that comes to mind is mediocre,’ said Norman Ornstein, a congressional scholar at the American Enterprise Institute, who said that aside from a major trade bill with China, Congress has approved little significant legislation over the last two years.”

Washington Post, 10/21/00

“[The GOP 106th Congress] has been as inept, divided, dysfunctional and quarrelsome a Congress as any in modern memory.”

Washington Post editorial, 9/27/00

The GOP 106th Congress has had few important legislative accomplishments. Rather than enacting important legislation, at the bidding of their special-interest allies such as drug companies and the HMO industry, the GOP leadership has been spending the last two years blocking key initiatives that would meet the needs of ordinary working families. As a result, there has been:

- No Medicare prescription drug benefit for seniors;
- No Patients’ Bill of Rights;
- No gun safety measures;
- No campaign finance reform;
- No hate crimes bill;
- No Equal Pay initiative;
- No privacy measures;
- No ESEA reauthorization;
- No targeted tax cuts for working families;
- No brownfields initiative;
- No Social Security and Medicare lockbox;
- No quality nursing home protections;
- No Defense of the Environment Act; and
- No real drug reimportation provisions.

Now the GOP Congress is going into a recess in chaos – with six of the appropriations conference reports still unsigned; and is heading into a lame-duck session. The necessity of a lame-duck session highlights the complete incompetence of the top GOP leadership.

This Special Report will give: 1) an overview of how the GOP Congress has failed to get its must-pass appropriations work completed on time; and 2) an overview of some of the key initiatives that the GOP 106th Congress will leave undone this year.

Under the GOP Leadership, The Appropriations Process Is In Chaos

Here is what Speaker Dennis Hastert said on the House Floor on January 6, 1999, in his maiden speech as Speaker:

“And to all my colleagues I say we must get our job done, and done now. And we have an obligation to pass all the appropriations bills by this summer, and we will not leave this chamber until we do.”

Hence, Speaker Hastert’s major commitment to the House was to make the trains run on time. And yet both in 1999 and 2000, the Republican Congress has run way behind in the appropriations process!

Now, we are **32 days** into the new fiscal year and the President has only signed seven of the 13 must-pass appropriations bills. It is expected that he will sign the eighth conference report in the next few days (Foreign Operations). He has also indicated that he would be willing to sign the ninth and tenth (Legislative Branch & Treasury-Postal) once Congress gets the rest of its work done. The eleventh (District of Columbia) is in signable form but is attached to the Commerce-Justice-State conference report which is not.

However, there are still two very important appropriations conference reports waiting to be finalized in a signable form:

- Labor-HHS-Education conference report; and
- Commerce-Justice-State conference report.

Despite the fact that the GOP Congress has not even gotten to the critically-important education funding bill, the eleven appropriations conference reports that the GOP Congress has finished **are already \$10.7 billion above the President’s request!!!** Indeed, the GOP Congress is now \$34.8 billion above the targets in the GOP budget resolution they passed last spring!! All their rhetoric on “fiscal responsibility” should fall on deaf ears! And now, having already gone \$10.7 billion over the President’s budget on these 11 other bills, by leaving education funding until last, the GOP leadership is jeopardizing education.

Furthermore, on Monday, October 30, the House GOP leadership blew up an agreement on a landmark labor-HHS-education funding bill that had been reached by the top negotiators at the request of one of their top campaign contributors – the U.S. Chamber of Commerce!!!

By rejecting the deal made by negotiators, the Republican Leadership is standing in the way of the largest increase in education funding in history. By reneging on the deal reached on Sunday night, the Republican Leadership is turning their backs on a \$7.5 billion or 21% increase over last year for our local schools. If the Republican Leadership continues to insist on blocking the deal:

- Approximately 12,000 new teachers would not be hired to reduce classes in the early grades, denying 648,000 children the benefits of smaller classes;
- Nearly 15,000 school districts would not get \$250 million in additional federal help to improve teacher quality by reducing the number of uncertified teachers and teachers who are not trained in subjects they are teaching. This would deny training to as many as 1.2 million teachers;
- Approximately 5,000 schools would not get help to make urgently needed building repairs and renovations.
- An additional 850,000 children would not get extended learning opportunities in after-school centers. About 1,200 fewer communities would receive help.
- Over 2,300 low-performing and failing schools would not get extra federal assistance to improve academic performance.
- Over 100,000 college students would not get Pell Grants and the most needy students would not receive a \$500 increase in the maximum Pell Grant from \$3,300 to \$3,800.

As we leave town until November 14, the GOP Congress is jeopardizing education funding by leaving this bill unresolved.

The Key Initiatives That the GOP 106th Congress Is Leaving Undone

Following is an overview of some of the key initiatives that the GOP 106th Congress is leaving undone.

NO Medicare Prescription Drug Benefit for Seniors

The American public strongly supports providing seniors prescription drug coverage through the Medicare program and yet the Republicans have spent the last two years blocking this proposal. Instead of siding with the American public, the GOP leadership has been siding with their special-interest allies – drug companies that oppose a Medicare drug benefit and gave Republicans \$6.5 million in contributions in the 1997-1998 election cycle and \$7.5 million in the first 18 months of this election cycle (the latest data available). Drug companies argue that a Medicare prescription drug benefit would erode their high profit margins.

In 1999, the GOP leadership simply blocked the Medicare prescription drug benefit proposal. This year, the GOP leadership and the drug companies decided that the best way to kill a Medicare prescription drug benefit was to offer a sham proposal of their own. Hence, on June 28, by the narrow margin of 217 to 214, House Republicans passed their own prescription drug plan – that did not add a prescription drug benefit to Medicare and instead provided incentives for private insurance companies to offer seniors’ “drug-only” policies – policies private insurance companies say they won’t offer. As Families USA pointed out, “The GOP bill fails to provide any real relief for seniors struggling to afford their prescriptions. This is a false promise to Medicare beneficiaries.” The phony House GOP plan was sent to the Senate where it died – and as the GOP Congress heads into a lame-duck session, nothing has been done to provide seniors a much-needed Medicare prescription drug benefit.

NO Patients’ Bill of Rights

Similarly, the American public strongly supports enactment of a strong, enforceable Patients’ Bill of Rights and yet the Republican Leadership has spent two years blocking this proposal. Instead of siding with the American public, the GOP leadership has been siding with their special-interest allies – a coalition of the health insurance industry, HMO industry, and employer groups that strongly oppose a real Patients’ Bill of Rights and gave Republicans \$7.6 million in contributions in the 1997-1998 election cycle and \$4.8 million in the first 18 months of this election cycle (the latest data available).

Back in October of 1999, the House GOP leadership did everything that they could in their attempt to defeat a strong, enforceable Patients’ Bill of Rights on the House Floor. They backed a much weaker bill – but, despite their muscle, were unable to pass it. Ultimately, on October 7, 1999, despite the fierce opposition of the House GOP leadership and to the chagrin of the HMO and health insurance industries, Democrats and a group of Republicans were successful in passing the strong, enforceable Dingell-Norwood Patients’ Bill of Rights – by a bipartisan vote of 275 to 151, with 68 moderate Republicans defying the GOP

leadership to support the bill. However, despite this victory for America's patients in October 1999, the House and Senate GOP leadership have spent the last year ensuring that this strong, enforceable Patients' Bill of Rights remained buried in a conference committee, stacked with its opponents, and have successfully killed the Patients' Bill of Rights for this Congress.

NO Gun Safety Measures

Similarly, the American public strongly supports common-sense gun safety measures and yet the Republicans have spent the last two years blocking such measures. Instead of siding with the American public, the GOP leadership has been siding with their special-interest allies – the gun lobby that opposes any common-sense gun safety measures and gave Republicans \$1.9 million in contributions in the 1997-1998 election cycle and \$2.0 million in contributions in the first 18 months of this election cycle (the latest data available).

In May 1999, the Senate – in response to the tragic mass shooting at Columbine High School on April 20, 1999 – passed, on a bipartisan vote, a set of common-sense gun safety measures, including requiring child safety locks with every handgun sold and closing the gun show loophole. These bipartisan, common-sense gun safety measures were then in a juvenile justice/gun safety conference committee for 15 months and now the Congress is heading into a lame-duck session without the conference committee ever having had a substantive meeting and never sending a juvenile justice/gun safety conference report to the House and Senate.

NO Campaign Finance Reform

Similarly, the American public strongly supports meaningful campaign finance reform – including the banning of soft money. Instead of siding with the American public, the GOP leadership has been siding with their special-interest allies – their big-money donors who like the current system. Over the last four years, Democrats and a group of Republicans have been pressing for major campaign finance reform – the McCain-Feingold bill (known as Shays-Meehan in the House) which would completely ban “soft money” (unlimited contributions from wealthy individuals and corporations to political parties).

Back in September of 1999, after months of resistance by the House GOP leadership and a last-minute attempt by the leadership to sabotage campaign reform with an unfair rule and “poison pills,” the House was finally able to have a clean up-or-down vote on the meaningful, bipartisan Shays-Meehan campaign finance reform bill. Hence, on September 14, 1999, despite the fierce opposition of the House GOP leadership, Democrats and a group of Republicans were successful in passing the Shays-Meehan bill – by a bipartisan vote of 252 to 177, with 54 moderate Republicans defying the GOP leadership to support the bill. However, despite this victory for campaign reform in September 1999, the House and Senate GOP leadership have spent the last 13 months ensuring that no broad, meaningful campaign finance reform bill ever reaches the President's desk – with the Senate GOP leadership successfully filibustering the reform bill in the Senate.

NO Hate Crimes Prevention Act

The GOP Leadership has spent the last two years blocking the bipartisan Hate Crimes Prevention Act. The Hate Crimes Prevention Act was introduced in the House in March 1999 (H.R. 1082) by Reps. Conyers (D-MI), Gephardt (D-MO), and Morella (R-MD). In the Senate, it was introduced in March 1999 (S. 622) by Sens. Kennedy (D-MA) and Smith (R-OR).

The bipartisan Hate Crimes Prevention Act would extend current federal hate crime law – which currently covers race, religion, color and national origin – to cover gender, sexual orientation, and disability. It also contains provisions to enhance the investigation and prosecution of hate crimes by federal, state, and local law enforcement officials. The legislation has support from a number of law enforcement organizations and state and local leaders, including 22 state attorneys general, the Police Foundation, and the National Sheriffs' Association.

In June, by a bipartisan vote of 57 to 42, the Senate voted to adopt the provisions of the bipartisan Hate Crimes bill as an amendment to the Department of Defense (DOD) Authorization bill. Then, on September 13, by a bipartisan vote of 232 to 192, the House adopted the Conyers motion to instruct the DOD Authorization conferees to retain the provisions of the Hate Crimes bill that had been added in the Senate.

However, despite the strong, bipartisan votes in both the Senate and House in favor of the Hate Crimes bill, on October 5, the GOP conferees on the DOD Authorization bill, at their leadership's direction, voted not to include the Hate Crimes provisions in the conference report. Hence, it now appears that, in the 106th Congress, there will be no enactment of the critically-important Hate Crimes bill.

NO Equal Pay Initiative

Currently, women earn only 74 cents for every dollar earned by a man. Democrats are supporting an Equal Pay Initiative, that would help close the gap between the wages earned by men and women. This initiative calls for stiffer enforcement and enhanced remedies under the Equal Pay Act of 1963 – the act that made it illegal to pay different wages to women and men doing the same work.

This Democratic initiative would provide greater resources of the Equal Employment Opportunity Commission, to enhance enforcement of the Equal Pay Act. The initiative also would toughen the remedy provisions of the Equal Pay Act by allowing compensatory and punitive damages when appropriate. The Equal Pay Act currently only provides for liquidated damages and back pay awards, which tend to be very insubstantial. The initiative would thereby put gender-based wage discrimination on equal footing with wage discrimination based on race or ethnicity, for which uncapped compensatory and punitive damages are already available.

Despite the importance of the Equal Pay Initiative, the House and Senate GOP leadership have simply refused to move forward on it over the last two years.

NO Privacy Measures

Despite the flurry of interest in privacy legislation earlier in the year, it is now apparent that the House GOP leadership has killed any consideration of privacy measures this year. Indeed, the CQ Daily Monitor (7/14/00) reported the following, *“House Republican leaders say that privacy protection legislation – regardless of focus – is dead in the House for the year. ... Measures aimed at protecting consumer privacy will likely not reach the House Floor, according to Majority Leader Dick Armey. Leadership staff goes further, saying that ... GOP leaders simply will not let privacy bills reach the floor.”*

One of the important privacy bills that has never come to the House Floor is H.R. 4585, the Medical Privacy bill. This bill was reported out of the House Banking and Financial Services Committee by a vote of 26 to 14 on June 29, 2000 – with all 22 Democrats present voting AYE, along with 4 Republicans, and 14 Republicans voting NAY. This bill took important steps to protect medical privacy, including requiring financial service institutions (including insurance companies, insurance agents and other financial firms which possess individually identifiable health information) to obtain a consumer's affirmative consent before sharing that information with a third party. The Republican leadership has been resistant to this Medical Privacy bill because their special-interest allies in the financial services industry – who are significant contributors to Republican congressional campaigns – are opposing these new privacy protections. Due to opposition by industry and the GOP leadership, since June, the Medical Privacy bill has been bottled up in the Commerce Committee and has never come to the Floor.

Another of the important privacy bills that has not come to the House Floor is the Shaw-Matsui bill (H.R. 4857), Protecting the Privacy of Social Security Numbers. This bill would establish limits on the use of Social Security Numbers in both the public and private sectors, including making it unlawful for a person to either sell or purchase Social Security numbers without an individual's consent. And yet it appears that the 106th Congress may end without this important privacy bill being brought to the House Floor for a vote.

NO ESEA Reauthorization

As CQ Weekly noted back in May, “Whatever is done on education this year will help define the legacy of the 106th Congress, and no lawmaker wants it to be remembered as the first one that could not reauthorize the ESEA.” **And yet that is exactly how the GOP 106th Congress will be remembered – as the first Congress in the 35-year history of the Elementary and Secondary Education Act (ESEA) to allow ESEA to expire!!!**

Over the last two years, Republican Congressional leaders have adopted a partisan, divide and do-nothing approach to reauthorization of the historically bipartisan Elementary and

Secondary Education Act. The ESEA provides vital assistance to the most vulnerable, educationally challenged children in America. It provides urgent funds to schools for intensive reading assistance, smaller class sizes, bilingual education, teacher professional development, safe and drug-free schools, and meaningful after-school and summer programs.

And yet Republicans have decided to play politics with America's schoolchildren. In May, Republicans voted out of the Education and the Workforce Committee a major piece of the ESEA reauthorization – a highly partisan bill, the “OPTIONS” BILL (H.R. 4141), which every major education group opposed. Republicans repeatedly refused to work with Democrats to craft H.R. 4141, and voted en masse to defeat 54 of 56 amendments offered by Democratic Members. As the Republicans reported it, the bill repealed the safe and drug-free school program by block-granting it with the after-school program and block-granted class size reduction, education technology, and several other key education measures. It robbed the programs of focus, accountability, and future funding. It repealed the programs that promote the prevention of hate crimes. Additionally, it is loaded down with Federal mandates on controversial social issues such as school prayer. **Indeed, the OPTIONS bill was so controversial and divisive that the GOP leadership has simply been unable to ever bring the OPTIONS bill up on the House Floor – and instead has simply allowed the ESEA to expire!!**

NO Targeted Tax Cuts for Working Families

Democrats have been pushing for a package of middle-class tax cuts – helping middle-class families meet critical needs that they face. For example, a very important targeted tax cut promoted by Democrats has been making college more affordable by making \$10,000 of college tuition each year tax-deductible. Democrats have also sought to expand the Dependent Care Tax Credit (DCTC) to help families pay for quality child care. A family earning \$35,000 would have seen its credit more than double from \$480 to \$1,080 under the Democratic proposal. Democrats also sought to provide relief to families with stay-at-home parents.

Democrats have also put forward tax cuts targeted at expanding access to affordable health insurance. For example, Democrats have proposed tax credits for small businesses offering health insurance. In addition, Democrats have pushed tax cuts to promote retirement savings – including providing matching contributions for low- and moderate-income families for Retirement Savings Accounts.

And yet Republicans have blocked all of these targeted tax cuts for working families – instead promoting their tax cuts targeted at the wealthiest 1% of American households.

NO Brownfields Initiative

Over the last couple of years, the Republican Leadership has claimed that one of their legislative objectives was to get a brownfields initiative enacted. And yet, the 106th Congress

is heading into a lame-duck session without any brownfields legislation being sent to the President's desk.

In July 2000, an article in the Washington Post (7/1/00) contained a stunning revelation on why the brownfields initiative has never moved forward:

"Unbeknownst to most of his colleagues, Senate Majority Leader Trent Lott last year made a secret promise in writing to kill [the brownfields initiative] ... The Majority Leader's promise has imperiled one of the few environmental initiatives with bipartisan support in the Senate, a measure to amend the Superfund law to ease potential liabilities for developers who buy abandoned factory sites and inner-city junkyards. Democrats and Republicans alike favor such 'brownfields' legislation because it could limit lawsuits while speeding the redevelopment of blighted industrial areas. But under the written agreement he reached with his GOP colleague, Sen. Michael D. Crapo, Lott pledged, 'I have agreed to use the privileges of my position as majority leader to ensure the following: no brownfields proposal or Superfund liability limitation proposal ... will be allowed to be considered or acted upon by the Senate during this Congress, either as a stand-alone bill or as part of any other legislation."

As the Washington Post pointed out, the brownfields initiative was an initiative with broad bipartisan support – and yet, following through on his secret promise, Senate Majority Leader Lott has successfully blocked the brownfields initiative for this Congress.

NO Social Security and Medicare Lockbox

The Republican Congress spent a lot of rhetoric claiming that they were fully protecting Social Security and Medicare but have failed to send to the President's desk any legislation creating a Social Security and Medicare lockboxes – let alone legislation creating real Social Security and Medicare lockboxes.

Over the last two years, Democrats have been calling for locking away 100% of the Social Security surplus in an ironclad Social Security lockbox, with no "trap-doors," to ensure that the Social Security surplus is used only for debt reduction and Social Security. Instead, the House GOP brought to the Floor a Social Security lockbox that contains a "trap-door" – i.e., under the GOP bill, the Social Security surplus can be used for various Social Security "reforms," including partial privatization, thereby weakening current Social Security guarantees. Indeed, a study done by four distinguished economists (Henry Aaron, Alan Blinder, Alicia Munnell, and Peter Orzag) of the Social Security partial privatization plan put forward by GOP presidential nominee George W. Bush found that an average earner who is 30 in 2002 could see their Social Security benefits cut by 54% under the Bush privatization plan when they retired in 2037.

Similarly, over the last two years, Democrats have been calling for locking away 100% of the Medicare surplus in an ironclad Medicare lockbox, with no "trap-doors," to ensure that the Medicare surplus is used only for debt reduction and Medicare. Instead, the House GOP

brought to the Floor a Medicare lockbox that contains a “trap-door” – i.e., under the GOP bill, the Medicare surplus can be used for various Medicare “reforms,” including taking steps to privatize the Medicare program, thereby weakening current Medicare guarantees. Indeed, the House GOP prescription drug plan passed on June 28, 2000 represents a first step in privatizing Medicare -- forcing seniors to deal with HMOs and private insurance companies to get their prescription drug coverage.

NO Quality Nursing Home Protections

One of the key issues facing the country is the quality of nursing home care for our nation’s seniors. Many of America’s nursing homes don’t have the minimum staffing levels necessary to guarantee quality care. And too often the staff that is there isn’t properly trained.

This year, the Clinton Administration and Congressional Democrats have been pushing a new, \$1 billion Nursing Home Quality Initiative. The initiative would invest \$1 billion in new grants to boost staffing levels in nursing homes that need it most, to improve recruitment and retention, and to give more training to caregivers, rewarding the best-performing nursing homes. States applying for the funds would be required to develop a proposal to enhance nursing home staff recruitment and retention efforts; establish career ladders for Certified Nursing Assistants; provide increased training for staff; and conduct other staffing initiatives to improve patient outcomes.

This Democratic initiative would also impose immediate penalties on nursing homes endangering patient safety; direct the Health Care Financing Administration to establish national minimum staffing requirements for nursing homes; provide the public with accurate information on nursing home staffing levels; and call for the creation of training materials for nursing home staff for identifying and preventing malnutrition and dehydration.

And yet Republicans have failed to enact this important new Nursing Home Quality Initiative.

NO Defense of the Environment Act

Over the last two years, a top priority for Democrats and for environmental groups has been enactment of the Defense of the Environment Act. The Defense of the Environment Act would allow a separate debate and vote on anti-environmental riders that are attached to other bills. This has become a key priority for environmental groups because, over and over again since the Republicans won control of Congress in 1995, legislation has been brought to the House Floor that contained riders that would weaken environmental protection – without any identification of those riders and without the opportunity for the House to analyze and debate the environmental impacts of these riders.

Examples of the anti-environmental riders slipped into House bills in recent years include:

- Increased clearcut logging in our National Forests;

- Crippled protection of endangered species;
- Stalled the Superfund program;
- Backslid on energy efficiency standards;
- Blocked the regulation of radioactive contaminants in drinking water;
- Delayed for nine years our efforts to clean up air pollution in national parks;
- Prevented EPA from ensuring groundwater is not contaminated by old nuclear facilities;
- Waived environmental review of grazing permits;
- Blocked long-overdue mining reform; and
- Prevented oil companies from paying a fair amount for oil royalties.

Under the Defense of the Environment Act, these anti-environmental riders would have received a separate debate and vote – allowing full and open consideration by the House. And yet the Republicans defeated the Defense of the Environment Act in February 1999 and have prevented it from coming back to the Floor ever since.

NO Real Drug Reimportation Provisions

Finally, just as with the Medicare prescription drug benefit, the GOP leadership worked with their special-interest ally, the drug companies, which gave Republicans \$6.5 million in the 1997-1998 election cycle and have given Republicans \$7.5 million in the first 18 months of this election cycle (the latest data available), to block bipartisan, real drug reimportation provisions strongly opposed by the drug companies – which would have increased access to lower-priced prescription drugs from other countries.

In mid-September, Democrats were promoting including bipartisan, real drug reimportation provisions in the Agriculture Appropriations conference report. But the September 29th CQ Midday Update, in an article entitled “Rep. DeLay Working with Drug Companies to Modify Import Language,” reported what happened next: “Drug companies have won concessions as they try to weaken a drug reimportation provision in the Agriculture Appropriations measure. House Majority Leader Tom DeLay has worked to adjust the provision along lines more to the drug industry’s liking.”

Working with GOP leaders such as Majority Whip DeLay, the drug companies were successful in getting put into the final GOP-written drug reimportation provisions included in the Agriculture Appropriations conference report sent to the President a series of large loopholes that ended up making the provisions completely ineffectual. As the Clinton Administration stated about the final reimportation language, “The Administration is disappointed that the prescription drug reimportation provision in this bill will fail to achieve its goal of providing needed relief from the high costs of prescription drugs. The Majority Leadership chose to end bipartisan negotiations and instead produced a provision in the conference report that leaves numerous loopholes that will render this provision meaningless.”

By pushing through this GOP-drafted reimportation language that was full of the loopholes sought by the drug companies, Republicans blocked real, meaningful reimportation language from becoming law this year. But Democrats won't give up on eventually getting real reimportation language enacted.